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10/586,733	07/21/2006	Atsushi Matsutani	293205US8PCT	5995

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
PEREZ, ANGELICA	

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No.	Applicant(s)	
	10/586,733	MATSUTANI, ATSUSHI	
	Examiner	Art Unit	
	ANGELICA M. PEREZ	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 December 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) *1-10* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Changes made to claim 23 have been reviewed and accepted; therefore, the objection has been withdrawn

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

3. The examiner was not able to find support in the specifications for the limitations, "A computer readable medium including computer executable instructions, wherein the instructions, when executed by a processor, cause the processor to perform a method…"

4. Claim 11, "a determining unit configured to determine if a condition relative to a predetermined time period is met", the examiner was not able to find which specific unit performs this function, therefore, the examiner is giving a broad interpretation where any element comprised in the "apparatus" can do the determination. In addition, it seems like the requesting unit is not the one making the determination, but the server.

Regarding claim 14, the examiner was not able to find support for the limitation "said predetermined time period can be changed by a user".

5. Regarding claims 15 and 22, the examiner was not able to find a description and/or support for the limitation, "communication unit/means", the term can be broadly

interpreted as any element/portion/module/circuitry and so forth that is used for communication comprised within the apparatus.

Regarding claim 16, the examiner was not able to find a description and/or support for the limitation, "where the communication unit/means receives the request from the external device at predetermined time intervals." The examiner believes the applicant refers to the periods indicated for the reports, e.g., "every one hour", "one week", "and one month".

6. Explanations regarding lack of support for the specification that reads, "broadcast contents that will be broadcast by one or more broadcasting stations…", have been reviewed and accepted; therefore, the objection has been withdrawn.

Information Disclosure Statement

7. The Examiner wrongly withdrew the objection to the IDS. The applicant should present the International Report in the IDS, so that the examiner can consider the references as presented by the Report. Since translation for the references is not provided, the examiner will consider what the Report states.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naomi, Misawa (Naomi, JP Pub. No.: 2002-208900 A) in view of Tsubokura, Atsushi (JP2000341593 A; hereinafter: Tsubokura).

Regarding claims 18 and 20, Naomi teaches of a method and a computer readable medium including computer executable instructions, where the instructions, when executed by a processor, cause the processor to perform a method comprising (paragraphs 15 and 25, where "data processing" of the method requires software for its execution and where software executes written computer programs. E.g., of computer programmed languages "Excel", HTML, SQL, etc.): storing broadcast contents information including the broadcasting time and date and the titles of the broadcast contents that will be broadcasted during a future time period by one or more broadcasting stations in a storage medium (Paragraphs 15-17; where SQL database computer language allows the storing/retrieval/management of data in a searchable format, at least, according to "track name" corresponding to "title"; thus , setting the search condition according to title); receiving search condition information to specify at least one of the title and the broadcasting station name of a broadcast program as a search condition from an external device (paragraphs 13 and 20, where the data is distributed according to user's request…"; "customer 13-15 place an order by HP (homepage) etc…"; where a computer or "cellular telephone" are the apparatuses that comprise the HP utilized for the "request"); searching the storage medium for broadcast contents information corresponding to the search condition based on the search condition information received in the receiving; determining a number of times contents

were broadcasted in the broadcast contents information that was obtained as the search result in the searching; and transmitting information based on said number of times contents were broadcasted for said broadcast contents detected in the determining to said external device (figure 4, where in columns 1 and 2, the number of times of the specific song requested/played shown in column 2, where it can be seen that the arrangement is done in a descending order; e.g., 113, 84, 71, 71, 68, 66 and 59 times; where the information is sent to the user's device).

Although it is implied that broadcasting information comprises information such as "daily chart", "daily report"; where in order to present the chart for the day, it is necessary to have the titles of the songs that will be play during the day (future); this radio programming is similar to EPG, used in television; where lists of programs are present ahead of time. In addition, the examiner would like to introduce a new reference that explicitly teaches the program information that will be broadcasted in the future (abstract, second paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tsubokura's explicit teachings of future broadcast information with Naomi's method of storing broadcast information in order to ease the programming process for broadcasting that will take place at a future time.

10. Claims 11-14, 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naomi in view of Tsubokura and further in view of Koichi, Nakamura (Koichi, JP 2002-344842).

Regarding claims 11 and 21, Naomi teaches of an apparatus comprising: a determining unit/means configured to determine if a condition relative to a predetermined time period is met (paragraph 6, means to store/accumulate data for one week, where the means determines the end of the period; e.g., "one week"); and a communication unit configured to transmit to a server a request for obtaining a number of times contents were broadcasted when the condition relative to the predetermined time period is met (paragraphs 13 and 20, where the data is distributed according to user's request…"; "customer 13-15 place an order by HP (homepage) etc…"; where a computer or "cellular telephone" are the apparatuses that comprise the HP utilized for the "request"), and to receive the number of times contents were broadcasted from the server as a response to the request (figure 4, where in columns 1 and 2, the number of times of the specific song requested/played shown in column 2, where it can be seen that the arrangement is done in a descending order; e.g., 113, 84, 71, 71, 68, 66 and 59 times).

Although it is implied that broadcasting information comprises information such as "daily chart", "daily report"; where in order to present the chart for the day, it is necessary to have the titles of the songs that will be play during the day (future); this radio programming is similar to EPG, used in television; where lists of programs are present ahead of time. In addition, the examiner would like to introduce a new reference that explicitly teaches the program information that will be broadcasted in the future (abstract, second paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tsubokura's explicit teachings of future broadcast information with Naomi's method of storing broadcast information in order to ease the programming process for broadcasting that will take place at a future time.

Although it can be said that a request is done automatically once the user enters/provides the preferred conditions, the examiner would like to introduce Koichi to more explicitly teach where the communication unit automatically transmits a request for obtaining the number of times contents were broadcasted (Abstract and Solution; where the user inputs the times required and where it is automatically displayed; where for the list to be displayed according to the use's input, the request has to be transmitted first).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Koichi's teachings of automatic display after a request with Naomi's and Tsubokura's combined method in order follow at least a search engine protocol where information request input by a user is automatically requested and where the information requested is provided according to the request input by the user.

Regarding claim 12, Naomi, Tsubokura and Koichi teach all the limitations of claim 11. Naomi further teaches of a display processing unit configured to process data to be displayed on the display unit (paragraph 20, e.g., "display on a cellular phone"), the display processing unit configured to display the number of times contents will be broadcasted during a future time period on the display unit in a predetermined order (figure 4, where in columns 1 and 2, the number of times of the specific song

requested/played shown in column 2, where it can be seen that the arrangement is done in a descending order; e.g., 113, 84, 71, 71, 68, 66 and 59 times).

Regarding claim 13, Naomi, Tsubokura and Koichi teach all the limitations of claim 11. Naomi further teaches of a setting unit configured to set at least one of a broadcasting period, a title, and a broadcasting station as a search condition (paragraphs 15-17; where SQL database computer language allows the storing/retrieval/management of data in a searchable format, at least, according to "track name" corresponding to "title"; thus , setting the search condition according to title), the communication unit configured to transmit the search condition to the server (paragraphs 13 and 20, where the data is distributed according to user's request…"; "customer 13-15 place an order by HP (homepage) etc…"; where a computer or "cellular telephone" are the apparatuses that comprise the HP utilized for the "request"), and the number of times contents will be broadcasted during a future time period is searched based on the search condition at the server and is received by the communication unit (figure 4, where in columns 1 and 2, the number of times of the specific song requested/played shown in column 2, where it can be seen that the arrangement is done in a descending order; e.g., 113, 84, 71, 71, 68, 66 and 59 times; where the information is sent to the user's device).

Regarding claim 14, Naomi, Tsubokura and Koichi teach all the limitations of claim 11. Naomi further teaches where the predetermined time period can be changed by a user (paragraphs 18-19, "weekly report" and "can create and distribute…variations…according to a request…", respectively; paragraph 20, "customer

place an order…", paragraph 16, "daily report"; where the reports are sent to the customer according to the request, thus changing the period).

Regarding claims 17 and 19, Naomi teaches of a method and a computer readable medium including computer executable instructions, where the instructions, when executed by a processor, cause the processor to perform a method comprising (paragraphs 15 and 25, where "data processing" of the method requires software for its execution and where software executes written computer programs. E.g., of computer programmed languages "Excel", HTML, SQL, etc.): transmitting request information to request broadcast contents information to a storage device configured to store broadcast contents information including the titles of the broadcast contents that will be broadcasted by one or more broadcasting stations (paragraphs 13, extraction and processing means…reads the broadcasting data stored in data server 11…and provides the data according to user's request. Where the user request broadcast content and where the request is communicated to the "data server" by intermediary "extraction and processing means". Paragraph 16, "track name" corresponding to "titles"); receiving the broadcast contents information transmitted from the storage device corresponding to the request information (paragraphs 19-20, where the information is distributed to and received by the users according to their request and where the data was transmitted from database 11 to the "extraction and processing means 10", then it is transmitted to the users that requested it through "internet wide area network 12", see figure 1, see also bidirectional (arrows) communication); and detecting a number of times contents were broadcasted included in the broadcast

contents information received in the transmitting (figure 4 and paragraph 16, where "extraction…means" corresponds to "detection"; where in the art, detection is the extraction of information. Paragraph 18, where "Ranking the number of times of broadcast" corresponds to "the number of times" a specific song was played).

Although it is implied that broadcasting information comprises information such as "daily chart", "daily report"; where in order to present the chart for the day, it is necessary to have the titles of the songs that will be play during the day (future); this radio programming is similar to EPG, used in television; where lists of programs are present ahead of time. In addition, the examiner would like to introduce a new reference that explicitly teaches the program information that will be broadcasted in the future (abstract, second paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tsubokura's explicit teachings of future broadcast information with Naomi's method of storing broadcast information in order to ease the programming process for broadcasting that will take place at a future time.

Although it can be said that a request is done automatically once the user enters/provides the preferred conditions, the examiner would like to introduce Koichi to more explicitly teach where the communication unit automatically transmits a request for obtaining the number of times contents that will be broadcasted… each time an amount of time equal to a predetermined time period elapses (Abstract and Solution; where the user inputs the times required and where it is automatically displayed; where for the list to be displayed according to the use's input, the request has to be transmitted first. In

addition, it is inferred that once the predetermined period indicated by the user elapses, a new request is transmitted either for regular broadcasting information or for another request input by the user).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Koichi's teachings of automatic display after a request with Naomi's and Tsubokura's combined method in order follow at least a search engine protocol where information request input by a user is automatically requested and where the information requested is provided according to the request input by the user. Each time an amount of time equal to a predetermined time period elapses.

Regarding claim 23, Naomi, Tsubokura and Koichi teach all the limitations of claim 11. Koichi further teaches where the determining unit determines the condition is met each time an amount of time equal to the predetermined time period elapses (Abstract and Solution; it is inferred that once the predetermined period indicated by the user elapses, a new request is transmitted either for regular broadcasting information or for another request input by the user that corresponds to the condition).

Regarding claim 24, Naomi, Tsubokura and Koichi teach all the limitations of claim 16. where the communication unit receives the request from the external device at one day time intervals (paragraph 19, where if the user the request to be provided weekly and monthly, thus it would be obvious to make a daily request).

11. Claims 15, 16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikuo et al. (Ikuo, JP Pub. No.: 2002-342351) in view of Naomi and further in view of Tsubokura.

Regarding claims 15 and 22, Ikuo teaches of a system comprising: a storage unit configured to store broadcast contents information including the broadcasting time or date, and titles of the broadcast contents (paragraphs 28, 51 and 58, where the "comprehensive broadcast database" stores the "time" and the "musical piece information" that includes the "title" of the musical piece); a communication unit configured to receive from an external device a request for obtaining a number of times contents were broadcasted and a search condition including at least one of a broadcasting period, a title, and a broadcasting station (paragraph 45, where the database "searches" according to what is requested (received request) and where the "search condition" can be information such as, title, date, frequency, etc), the communication unit configured to transmit to the external device the information representing the number of times contents were broadcasted as a response to the request; and a controller configured to search the storage unit and to generate information representing the number of times contents were broadcasted based on the received search condition (paragraphs 44 and 54, "musical piece information" and where the information is provided to the "recording company", publishing company", "advertising agency" that sent a condition request).

Naomi more explicitly teaches of a request (paragraphs 13 and 20, where the data is distributed according to user's request…"; "customer 13-15 place an order by HP (homepage) etc…"; where a computer or "cellular telephone" are the apparatuses that comprise the HP utilized for the "request").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Naomi's teachings of user's requesting the data with Ikuo's method in order to provide the information according to a user's preference.

Although it is implied that broadcasting information comprises information such as "daily chart", "daily report"; where in order to present the chart for the day, it is necessary to have the titles of the songs that will be play during the day (future); this radio programming is similar to EPG, used in television; where lists of programs are present ahead of time. In addition, the examiner would like to introduce a new reference that explicitly teaches the program information that will be broadcasted in the future (abstract, second paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tsubokura's explicit teachings of future broadcast information with Ikuo's and Naomi's method of storing broadcast information in order to ease the programming process for broadcasting that will take place at a future time.

Regarding claim 16, Ikuo and Naomi teach system according to claim 15. Ikuo further teaches where the communication unit receives the request from the external device at predetermined time intervals (paragraph 51, "how many times the specific music piece was broadcast in the specific period).

Response to Arguments

12. Applicant's arguments with respect to claims 11-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-

7885. The examiner can normally be reached on 6:00 a.m. - 2:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (571) 272-7882. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

/A. M. P./ Examiner, Art Unit 2618	/Nay A. Maung/ Supervisory Patent Examiner, Art Unit 2618